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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,224	12/11/2000	Uwe Hansmann	DE919990103.US1	5431

7590 03/07/2005

James E. Murray
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EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/734,224

Applicant(s)

HANSMANN ET AL.

Examiner

Thomas Duong

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-2, 4-7, 9-15, 17-25 and 27-32.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
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DETAILED ACTION

Response to Argument

1. The Applicants' arguments and amendments filed on January 3, 2005 have been fully considered, but they are not persuasive.
2. With regard to claims 1, 14 and 24, the Applicants point out that,
 - *All the independent claims in the application are distinguishable from the Nguyen patent in that they call for an option selection display screen for user preselection of options and for displaying the initial information in a screen separate from the option display screen.*

However, the Examiner finds that the Applicants' arguments are not persuasive and maintains that the Nguyen reference does disclose,

- *a) providing an option selection display screen for user preselection of options establishing priority criteria to be used in downloading of information to the client machine in anticipation of its presentation to the user; (Nguyen, col.7, lines 13-23, lines 40-49)*

Nguyen discloses that *"the operator may explicitly selects a set of preloading preferences and priorities"* (Nguyen, col.7, lines 13-14). This shows that the Nguyen invention allows the operator to select the preloading preferences and to specify their loading priorities prior to selecting a primary information page.

Nguyen discloses that *"the page client receives the preloading preferences and their relative priorities from the operator, and stores the preloading preferences*

and their relative priorities in the client storage” and “when the operator selects one primary page, the page client reviews the preloading preferences and their relative priorities” (Nguyen, col.7, lines 15-20) and preloads them accordingly.

This clearly shows that in the Nguyen invention, the operator selected the preloading preferences and priorities prior to selecting a primary information page. In other words, the preference selection step takes place before the operator selects an information page; therefore it can be interpreted that the selection of the preloading preferences is presented to the user separately from the selected information page. Furthermore, it is well known in the art to present the operator with a separate window for selecting preferences or making configuration changes.

- *b) downloading of initial information from the network to the client machine; (Nguyen, col.1, line 50 – col.2, line 9; col.3, line 44 – col.4, line 16; fig.1)*
- *c) displaying in a screen separate from the option selection screen of the initial information on the client's machine by a browser; (Nguyen, col.1, line 50 – col.2, line 9; col.3, line 44 – col.4, line 16; fig.1)*
- *d) automatically checking of the initial information for the presence of links to other sets of information at a point no later than the display of the information in step b); (Nguyen, col.1, line 50 – col.2, line 9; col.4, lines 26-40; fig.1)*
- *e) automatically assigning of priorities to the links identified based on the options preselected by the user; (Nguyen, col.4, lines 26-40; col.6, lines 49-59; col.7, lines 13-23; fig.1)*
- *f) automatically downloading to the client's machine during display of the initial information of the sets of information assigned to the links in accordance with the*

priorities of the sets of information. (Nguyen, col.1, line 50 – col.2, line 9; col.5, lines 58-63; col.6, lines 49-59; fig.1)

3. With regard to claim 14, the Applicants point out that,

- *Independent claim 14 further distinguishes in that it calls for functions to be performed in a server intermediate the network and the client machine: in the Nguyen patent there is no server intermediate the network and the client machine performing such function (see Figure 1).*

However, the Examiner finds that the Applicants' arguments are not persuasive and maintains that the Nguyen reference does disclose,

- *The method of downloading information from a network to a client machine where communications between the client machine and the network are handled via a server which has a data line to the client and to the network, comprising the following steps:* (Nguyen, col.2, lines 57-65; col.3, lines 7-9)

Nguyen discloses that "in alternative embodiments, the page server may comprise more than one server processor coupled together so as to respond to requests for accessing and transmitting information. For example, a first server processor may handle requests for information by parsing those requests and obtaining data from a second server processor" (Nguyen, col.2, lines 57-63).

This shows that the Nguyen invention allows for an alternative embodiment wherein the server that handles the requests for information pages is different than the server that contain the information pages itself. Furthermore, according to Nguyen, "other techniques for coupling the page server and the page client to the network are known in the art" (Nguyen, col.3, lines 7-9) and it is well known in

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the networking art to include caching or proxy servers to handle user requests
and that these servers can be separate entities from the servers containing the
data themselves.